

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

SEBASTIAN LARRY LUBERS,  
Defendant.

NO. CR10-103RAJ

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW RE:  
DETENTION REVIEW HEARING

THIS MATTER comes before the Court on defendant's Motion for Release from Custody Pending Evidentiary Revocation Hearing (Dkt. #199). The Court has considered defendant's motion, the government's response, and has conducted a hearing on this date.

The defendant has requested a 60-day continuance to address the supervised release violations. This motion and request is unopposed and therefore granted by this Court. The date set for that matter is December 12, 2018, at 10:00 a.m.

The defendant is also asking this Court to release him pending the evidentiary hearing. In support of his request he has listed six personal matters that he represents justify and warrant his release.

In further support of his request he points out that the court released him on January 17, 2018 for two weeks with an ankle monitor to attend to personal matters and he surrendered upon release. Under the circumstance of the current

1 supervised release violation the court has no evidence that the defendant's release  
2 with conditions will not reasonably assure his appearance for future hearings as  
3 required.

4 The Court denies defendant's motion for release, however, as he has not  
5 provided this Court adequate assurance that his release will not endanger the safety  
6 of any person or the community, primarily because of the defendant's past drug  
7 dealing, his continued criminal activities, and the allegations in the current  
8 violation for ongoing drug dealing of heroin and methamphetamine. For these  
9 reasons, the Court finds there is no condition or combination of conditions that  
10 will reasonably assure the safety of any other person and the community.

11 The Court makes this determination based upon the following findings of  
12 fact and conclusions of law:

13 This Court imposed a 64-month prison sentence followed by three years of  
14 supervised release for the defendant's prior conviction for being a felon in  
15 possession of a firearm. One month following his release the defendant was  
16 arrested for Violation of the Uniform Controlled Substances Act. Despite being  
17 allowed to remain out of custody to assist law enforcement in the investigation of  
18 others involved in drug dealing, the defendant continued purchasing drugs from  
the target of the detective's investigation.

19 The defendant's supervised release was revoked and he was sentenced to 90  
20 days in custody followed by a new term of supervised release. Two months after  
21 the commencement of his second term of supervised release, the defendant was  
22 arrested for DUI with a blood alcohol level over the legal limit.

23 On January 14, 2017 the defendant was arrested for car prowling. He  
24 admitted these violations and was sentenced to six months in custody in March,  
2017.

25 On October 11, 2018 the defendant was arrested for heroin distribution  
26 based upon two controlled buys of heroin in the month of September, 2018.  
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1           The defendant has an extensive criminal history, known history of  
2 continued drug abuse, and a clear disregard for the Court's authority as  
3 demonstrated by his repeated violations of supervised release.

4           For the above reasons the Court does not believe there are conditions of  
5 prehearing release sufficient to ensure the safety of the community. For these  
6 reasons the Court concludes the defendant should remain in custody pending his  
7 hearing on the alleged violations of the conditions of supervised release.

8           DATED this 16th day of November, 2018.

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11           The Honorable Richard A. Jones  
12           United States District Judge  
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